

UNITED STATES DISTRICT COURT
FOR THE 15th Judicial DISTRICT OF Alabama

RECEIVED

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL RIGHTS COMPLAINT FORM FOR
PRO SE, PRISONER LITIGANTS IN ACTIONS UNDER
28 U.S.C. § 1331 or § 1346 or 42 U.S.C. § 1983

CLARENCE MARTIN

Inmate ID Number: 11858-002

(Write the full name and inmate ID number of the Plaintiff.)

Case No.: 0:19-cv-1061-MHT-CSC
(To be filled in by the Clerk's Office)

v.

STATE OF ALABAMA

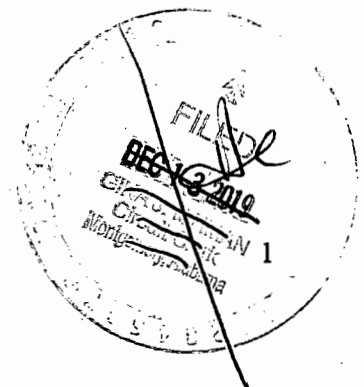
Board of Pardons

And PAROLE

(Write the full name of each Defendant who is being sued. If the names of all the Defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial Requested?

☐ YES ☒ NO



I. PARTIES TO THIS COMPLAINT

A. Plaintiff

Plaintiff's Name: CLARENCE MARTIN ID Number: 11858-002

List all other names by which you have been known: _____

Current Institution: F.C.I. BEAUMONT Medium

Address: P.O. Box 26040, Beaumont, TX. 77720

B. Defendant(s)

State the name of the Defendant, whether an individual, government agency, organization, or corporation. For individual Defendants, identify the person's official position or job title, and mailing address. Indicate the capacity in which the Defendant is being sued. Do this for *every* Defendant:

1. Defendant's Name: STATE of ALABAMA Board of Pardons
and paroles

Official Position: _____

Employed at: _____

Mailing Address: 301 Ripley Street

Montgomery, AL. 36104

☐ Sued in Individual Capacity

☒ Sued in Official Capacity

2. Defendant's Name: None

Official Position: _____

Employed at: _____

Mailing Address: _____

☐ Sued in Individual Capacity

☐ Sued in Official Capacity

3. Defendant's Name: NONE

Official Position: _____

Employed at: _____

Mailing Address: _____

☐ Sued in Individual Capacity

☐ Sued in Official Capacity

(Provide this information for all additional Defendants in this case by attaching additional pages, as needed.)

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution” and federal law. Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain Constitutional rights.

Are you bringing suit against (*check all that apply*):

☐ Federal Officials (*Bivens case*)

☒ ~~State/Local Officials~~ (*§ 1983 case*)

III. PRISONER STATUS

Indicate whether you are a prisoner, detainee, or in another confined status:

☐ Pretrial Detainee

☐ Civilly Committed Detainee

☒ ~~Convicted State Prisoner~~

☐ Convicted Federal Prisoner

☐ Immigration Detainee

☒ ~~Other~~ (*explain below*):

Parolee

IV. STATEMENT OF FACTS

Provide a short and plain statement of the *facts* which show why you are entitled to relief. Describe how *each* Defendant was involved and what each person did, or did not do, in support of your claim. Identify when and where the events took place, and state how each Defendant caused you harm or violated federal law. Write each statement in short numbered paragraphs, limited as far as practicable to a single event or incident. ***Do not make legal argument, quote cases, cite to statutes, or reference a memorandum.*** You may make copies of the following page if necessary to supply all the facts.

Barring extraordinary circumstances, no more than five (5) additional pages

should be attached. *Facts not related to this same incident or issue must be addressed in a separate civil rights complaint.*

I WAS IN STATE CUSTODY FROM September 3, 2015 Through March 2016, Namely Lee County Jail (Alabama) while I faced Federal charges which I WAS being writted out on and ultimately sentenced to Federal prison on. These Federal charges are The basis for my state of Alabama violation of Parole (Sep. 3rd 2015).

While in State Jurisdictional custody, Namely, Lee County Jail The Defendant in and through it's agent failed to conduct a Parole Revocation proceeding on The outstanding Violation.

Now in Federal custody I CANNOT obtain Early release date (Reduction of Sentence for Drug Programming) due to The Parole Violation which will NOT be heard while I'm in Federal custody.

my complaint is That due to plaintiff NOT properly receiving a Parole Revocation hearing while in State custody (Lee County Alabama) I CANNOT

Statement of Facts Continued (Page 2 of 2)

OBTAIN Early release from my Federal Sentence
AND properly reintegrate back into Society
TAKING Advantage of Federal Program's and Funds.

I also state That my Due process Rights
AND protections have been Violated Concerning
The Parole Violation process That if conducted
properly, ON Sep. 3rd 2015 I would have
received At The most would have been 5 years
which would soon have been finished.

V. STATEMENT OF CLAIMS

State what rights under the Constitution, laws, or treaties of the United States have been violated. Be specific. If more than one claim is asserted, number each separate claim and relate it to the facts alleged in Section III. If more than one Defendant is named, indicate which claim is presented against which Defendant.

my Due Process was Violated under Alabama State Code title 42 § 12 (1959) which is causing me to be denied my Liberty interest of obtaining a early release from Federal custody when Defendant failed to hold a Parole Hearing on my violation while in State custody.

VI. RELIEF REQUESTED

State briefly what relief you seek from the Court. Do not make legal arguments or cite to cases/ statutes. If requesting money damages (*either actual or punitive damages*), include the amount sought and explain the basis for the claims.

The Parole Violation warrant to be removed, or Parole in Absentia Hearing with credit from 9-3-15, or Issuance of writ of Habeas Corpus Ad Prosecution to Circumvent Jurisdiction and be heard on the violation.

ATTENTION: *The Prison Litigation Reform Act ("PLRA") does not permit awards for punitive or compensatory damages "for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act" 42 U.S.C. § 1997e(e).*

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

The PLRA requires that prisoners exhaust all available administrative remedies (*grievance procedures*) before bringing a case. 42 U.S.C. § 1997e(a). **ATTENTION:** *If you did not exhaust available remedies prior to filing this case, this case may be dismissed.*

Gave Notice to Defendant, Defendant did not Respond.

VIII. PRIOR LITIGATION

ATTENTION: *The "three strikes rule" of the PLRA bars a prisoner from bringing a case without full payment of the filing fee at the time of case initiation if the prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).*

A. To the best of your knowledge, have you had any case dismissed for a reason listed in § 1915(g) which counts as a "strike"?

☐ YES ☒ NO

If you answered yes, identify the case number, date of dismissal and court:

1. Date: _____ Case #: _____

Court: _____

2. Date: _____ Case #: _____

Court: _____

3. Date: _____ Case #: _____

Court: _____

(If necessary, list additional cases on an attached page)

B. Have you filed other lawsuits in either *state or federal court* dealing with the same facts or issue involved in this case?

☐ YES ☒ NO

If you answered yes, identify the case number, parties, date filed, result *(if not still pending)*, name of judge, and court for each case *(if more than one)*:

1. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

2. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

C. Have you filed any other lawsuit in federal court either challenging your conviction or otherwise relating to the conditions of your confinement?

☐ YES ☒ NO

If you answered yes, identify all lawsuits:

1. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

2. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

3. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

4. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

5. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

6. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

(Attach additional pages as necessary to list all cases. Failure to disclose all prior cases may result in the dismissal of this case.)

IX. CERTIFICATION

I declare under penalty of perjury that the foregoing (including all continuation pages) is true and correct. Additionally, as required by Federal

Rule of Civil Procedure 11, I certify that to the best of my knowledge, information, and belief, this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to timely notify the Clerk's Office if there is any change to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date: 12-8-19 Plaintiff's Signature: C. J. Martin II

Printed Name of Plaintiff: CLARENCE MARTIN

Correctional Institution: # 11858-002 F.C.I. Beaumont medium

Address: P.O. Box 26040

Beaumont, TX. 77720

I certify and declare, under penalty of perjury, that this complaint was

(check one) ☐ delivered to prison officials for mailing or ☒ deposited in

the prison's mail system for mailing on the 8th day of December,
20 19.

Signature of Incarcerated Plaintiff: C. 2. Montan #



GINA J. ISHMAN
CIRCUIT CLERK
MONTGOMERY COUNTY COURTHOUSE
P.O. BOX 1667
MONTGOMERY, ALABAMA 36102-1667



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Clerk of the United States District Court
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Montgomery AL 36104

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